

MINUTES

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA NORTHERN, DIVISION

HON. CHARLES S. COODY, MAG. JUDGE AT MONTGOMERY, ALABAMA

DATE COMMENCED: 7/10/06 AT 1:33 p.m. to 1:46 p.m

DATE COMPLETED: 7/10/06 FTR Recorded

JIM MOCK, ET AL

Plaintiff

vs..

CHANDELEUR HOMES, ET AL.

Defendant

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CASE NO. 2:06CV395-MHT-CSC

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PLAINTIFF

APPEARANCES:

DEFENDANT

Atty. Carter Gibson Vance

Atty. Gregory S. Ritchey

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COURT OFFICIALS PRESENT:

COURTROOM DEPUTY: WANDA STINSON

LAW CLERK: CORRIE LONG

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( X ) OTHER PROCEEDINGS: TELEPHONE STATUS/SCHEDULING CONFERENCE

**SEE MINUTES ATTACHED**

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED		
<b>Description</b>	Telephone Conf re: motion Shortern Time - 06cv395-MHT-CSC	
<b>Date</b>	7 /10/2006	<b>Location</b> Courtroom 4B
<b>Time</b>	<b>Speaker</b>	<b>Note</b>
1 :33:52 PM	Court	Conf call begins; parties on line as noted; Discussion as to the motion to shorten time and the response;
1 :34:22 PM	Atty. Vance	Response; Have filed a couple cases against Champion Enterprises; Alter ego type case; This case will go to arbitration; Parties think to not to resolve the alter ego issues at this time; I would make sense to hold decisions or rulings and deft Champion Enterprises in obeyance or an administrative docket and let the parties address arbitration and discuss the merits of the case;
1 :36:14 PM	Atty. Ritchey	Response regarding problem with having a lot of the cases in obeyance;
1 :37:09 PM	Court	Judge Thompson would be one who would decide how to dispose those issues; Response; Discussion as to pending motion for summary judgment and the motion to dismiss; There is briefing schedule entered on June 8th; Judge McPherson has one of these cases; How many total of them filed?
1 :38:31 PM	Atty. Vance	Two others;
1 :38:36 PM	Atty. Ritchey	There are two; We have received notice of several others that have been filed; with similar issues but not have been brought into Federal Court; Does Judge Thompson have both of them now?
1 :38:44 PM	Court	I think he may;
1 :38:51 PM	Court	The case against Champion should be stayed and you proceed against Chandeluer;
1 :39:05 PM	Atty. Vance	Yes, in arbitration;
1 :39:06 PM	Court	Will the other cases go to arbitration?
1 :39:08 PM	Atty. Vance	Most likely
1 :39:14 PM	Court	Chandeluer is also a named deft in this case; This case just need to be stayed pending the outcome of arbitration;
1 :39:31 PM	Atty. Vance	Response - thinks that would do it;
1 :39:45 PM	Atty. Ritchey	Response;
1 :40:11 PM	Atty. Vance	Response;
1 :40:39 PM	Atty. Ritchey	Response;
1 :41:07 PM	court	Addresses concern as to the deadline to complete discovery;
1 :41:26 PM	Atty. Vance	Response;
1 :41:34 PM	Court	Suggest that counsel together an agree on what needs to be agreed to; Agree to file a joint motion withdrawing the dispositive motions, request the court to stay the action against Champion and stay the case pending arbitration; against Chandeluer;
1 :42:42 PM	Atty Vance	Sounds perfect;

1 :42:44 PM	Court	Get that submitted before Judge Thompson gets back; Will send him a email message regarding this;
1 :43:10 PM	Atty. Ritchey	Response;
1 :43:27 PM	Atty. Vance	Response as to dismissing Champion;
1 :43:40 PM	Atty. Ritchey	Response;
1 :44:24 PM	Court	Parties advised to file motions in both cases; This makes the motion to shorten time moot?
1 :44:33 PM	Atty. Vance	Yes sir;
1 :44:35 PM	Court	Will deny that as moot;
1 :44:50 PM	Atty. Ritchey	We filed a request or a motion to withdraw our M/Dismiss or for Summary Judgment with a request to place those issues in obevance;
1 :45:08 PM	Court	The parties agree to withdraw motion for sumary judgment and motion to dismiss at this time without prejudice and reques that the court stay the action against Champion and Chandeluer pending arbitration against Chandeluer to which the parties agree; How long is it taking with arbitration in these cases?
1 :45:43 PM	Atty. Vance	Response;
1 :46:19 PM	Court	Conference call ends.